

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

ELBERT WELCH,

Plaintiff,

-against-

Civil Action No.  
9:06-CV-00812  
(LEK/DEP)

DONALD SELSKY, *et al.*,

Defendants.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on December 14, 2007, by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 49). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Plaintiff, which were filed on December 21, 2007. Objections (Dkt. No. 50).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No. 49) is **APPROVED** and

**ADOPTED** in its **ENTIRETY**; and it is further

**ORDERED**, that the Order granting Plaintiff *in forma pauperis* status (Dkt. No. 6) is **VACATED**; and it is further

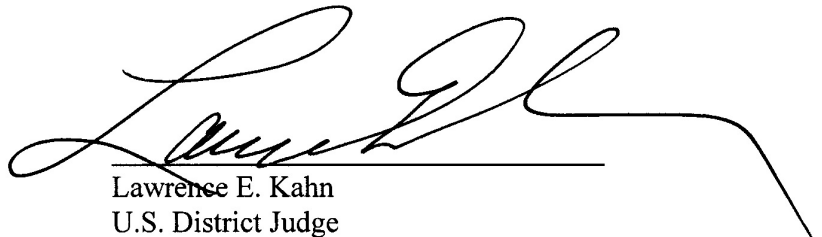
**ORDERED**, that Defendants' Motion seeking dismissal of Plaintiff's Complaint (Dkt. No. 41) is **GRANTED** as to all Defendants and all claims unless Plaintiff pays the full required filing fee of \$350.00 within thirty days after entry of this Order; and it is further

**ORDERED**, that Plaintiff's Motion seeking the imposition of sanctions against Defendants pursuant to Rule 11 of the Federal Rules of Civil Procedure (Dkt. No. 46) is **DENIED**; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: January 28, 2008  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge